IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 2246 OF 2019

Sandeep Yashwant Pawaskar ...Applicant
Versus
The State Of Maharashtra ...Respondent

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Mr. Ashok B. Tajane, Advocate for the Applicant.
Mr. Prashant Jadhav, APP, for the Respondent-State.
Mr. Suresh Thakur Gavit, PI, Purnagad Sagari Police Station, Ratnagiri is present.

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CORAM : SARANG V. KOTWAL, J.

DATE : 15th OCTOBER, 2019

P.C.

1. The applicant is seeking anticipatory bail in connection with C.R. No.49/2019 registered with Purnagad Sagari Police Station, Ratnagiri under Sections 420, 409, 465, 467, 468, 471 and 167 read with 34 of I.P.C.

2. The FIR is lodged by one Atul Joshi, who was the Regional Manager of the Bank of Maharashtra. He has stated in his FIR that the Bank had a branch at Pawas. One B.R. Sable was the Branch Manager from 22.9.2015 to 18.7.2018. He had sanctioned many loans during that period. The FIR mentions a few instances

in which the loans were sanctioned fraudulently which have remained unpaid. There is a reference to one Santosh Raghunath, the Proprietor of Lingayat Laxmi Garment, who had asked for loan of Rs.10 Lakhs. The loan was sanctioned on 13.6.2018. Out of that Rs.50,000/- was actually paid to Santosh. The balance amount was directly transferred by Shri Sable in the account of the present applicant fraudulently. Therefore, a complaint was made with the police officers. In that connection, enquiry was held. The enquiry showed that out of Rs.10 Lakhs which was granted for on 13.6.2018 to Santosh, Rs.5,70,000/- was transferred through NEFT in the account of the applicant. Rs.50,000/- was transferred in the account of M/s. Mumbai Garments. On 20.6.2018, different amounts were transferred in the account of different persons. On 26.6.2018, Rs.1,50,000/- was paid in the account of applicant through cheque. The allegations in the FIR are that Shri Sable, the then Branch Manager, sanctioned loans fraudulently and the amount was misappropriated. The FIR mentions twelve instances amounting to more than Rs.52 Lakhs. Outstanding amount was more than Rs.40 Lakhs. It is the case of the first informant that all those borrowers have submitted forged quotations to the bank.

The applicant in collusion with the Branch Manager misappropriated huge amount. On this basis, the FIR is lodged.

3. I have heard Shri Ashok Tajane, learned Counsel for the applicant and Shri Prashant Jadhav, learned A.P.P. for the State.

4. Shri Tajane submitted that the applicant is in the business of purchasing and supplying mangoes and also in making mango pulps. He is in that business for more than 23 years and at this stage there is not a single offence to his discredit. His annual turn over is more than Rs.3 Crores and, therefore, there is no reason for him to commit this offence. He submitted that none of these loans were sanctioned in his name.

5. Learned A.P.P. opposed this application on the basis of the investigation carried out so far. He submitted the applicant had used all the borrowers to ultimately make illegal gain for himself. He got those loans sanctioned in their names in collusion with the Branch Manager and after the loans were sanctioned he got substantial amount transferred in his account. For sanctioning loans, the vouchers which were submitted were forged and, therefore, the loans were sanctioned on the basis of fabricated

documents.

6. I have considered all these submissions. During the course of investigation, co-accused Rupesh Nevarekar has given his statement. At this stage of consideration of anticipatory bail, his statement throws light in the manner in which the offence was committed. According to Rupesh Nevarekar he was not concerned with the agricultural income or business of selling mangoes. The applicant met him. He told Rupesh that he was in need of loan and he was in a position to obtain that loan from the Bank of Maharashtra, Pawas Branch through Bank Officers. He told Rupesh to submit the documents. In his loan application, the applicant had given quotation of Rs.10,38,487/- of one Sadiq Wastad who was a Proprietor of Sadiq Mango Supplier. Rupesh did not know this Sadiq. Apart from this quotation, three vouchers to the tune of Rs.2,00,000/-, Rs.1,20,000/- and Rs.1,60,000/- issued by different persons were also annexed to the loan application. Even those persons were not known to Rupesh. All these documents were brought by the applicant. Based on these documents, co-accused Sable sanctioned loan of Rs.3,75,000/-. After this loan was disbursed in his account, the applicant used major part of that

amount. In August, 2018, the Bank sent him notice for repayment of loan. Rupesh told the applicant to make payment of that loan amount. But it remained unpaid. Thus, this statement shows that the applicant has used Rupesh Nevarekar for obtaining money through fraudulent loan transaction.

7. The investigation papers also has statement of Sadiq Wastad. He has stated that he has not given any quotation. Thus, the quotation submitted to the Bank in respect of these loan accounts were all forged documents. At this stage, there is sufficient material against the applicant. His custodial interrogation is necessary. No case for anticipatory bail is made out. Application is rejected.

(SARANG V. KOTWAL, J.)